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Security Council

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 16 December 2016 from the Permanent Mission of Italy to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to refer to Security Council resolution 2293 (2016), in particular paragraph 32, in which the Council called upon Member States to report to the Committee on the actions they had taken to implement the provisions of the resolution.

In this respect, the Permanent Mission of Italy to the United Nations has the honour to submit to the Committee the report of the Government of Italy on the implementation of Security Council resolution 2293 (2016) (see annex).

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Annex to the note verbale dated 16 December 2016 from the Permanent Mission of Italy to the United Nations addressed to the Chair of the Committee

Democratic Republic of the Congo

Italy informs that resolution 1493 (2003) and subsequent resolutions are implemented in Italy through the following European Union legislation, fully mandatory and directly applicable:

(a) Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP;

(b) Council Decision 2012/811/CFSP of 20 December 2012 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;

(c) Council Decision 2014/147/CFSP of 17 March 2014 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;

(d) Council Decision (CFSP) 2015/620 of 20 April 2015 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;

(e) Council Regulation (EC) No. 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo;

(f) Council Regulation (EU) No. 521/2013 of 6 June 2013 amending Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo;

(g) Council Regulation (EU) No. 271/2014 of 17 March 2014 amending Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo;

(h) Council Regulation (EU) 2015/613 of 20 April 2015 amending Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo and repealing Regulation (EC) No. 889/2005;

(i) Council Implementing Regulation (EU) 2015/614 of 20 April 2015 implementing article 9(4) of Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo.

With particular reference to paragraph 32 of resolution 2293 (2016), it should be noted that the resolution is implemented in Italy through the following European Union legislation, fully mandatory and directly applicable:

(a) Council Decision (CFSP) 2016/1173 of 18 July 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;

(b) Council Regulation (EU) 2016/1165 of 18 July 2016 amending Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo.

The Italian Armaments Export Licensing Unit has informed the Italian Foreign Ministry that, pursuant to paragraph 3 of resolution 1807 (2008), the following materials, technical training and assistance have been transferred to the Democratic Republic of the Congo for support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo:

- N. 20 aircraft "Falco XN-C4", training courses, technical assistance and connected materials (2013)
- Technical assistance (2014)
- Spare parts and connected materials (2015)

Measures to prevent the supply to embargoed countries, and thus to the Democratic Republic of the Congo, of all arms and related materiel are enshrined in Law No. 185/1990, as modified by Legislative Decree No. 105/2012. In particular, article 1(6)(c) forbids the supply of arms to countries upon which a mandatory United Nations embargo is imposed, which is the case for the Democratic Republic of the Congo.

The Italian Financial Security Committee has informed the Italian Foreign Ministry that so far no assets or financial resources belonging to persons or entities listed in accordance with Security Council resolution 2293 (2016) have been frozen in Italy.

The travel restrictions set out in the above-mentioned resolution are automatically implemented by Italy through the upload of the relevant list to the national Visa Information System. According to article 32 of Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), a visa shall be refused, among other reasons, if the applicant "is considered to be a threat to public policy, internal security or public health ... in particular where an alert has been issued in Member States' national databases".